

Message Text

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PAGE 01 STATE 181701
ORIGIN EB-08

INFO OCT-01 EA-12 IO-14 ISO-00 AGRE-00 CIAE-00 COME-00
INR-10 LAB-04 NSAE-00 SP-02 STR-07 TRSE-00 FRB-01
OMB-01 L-03 /063 R

DRAFTED BY EB/TEX - A BERRY
APPROVED BY EB/TEX - A BERRY
COMMERCE - A GAREL
LABOR - I KRAMER (INFO)
STR - P MURPHY (INFO)
EA/PRCM - S STANSFIELD (INFO)
-----081022 182328Z /13
O R 182245Z JUL 78
FM SECSTATE WASHDC
TO AMCONSUL HONG KONG IMMEDIATE
INFO USMISSION GENEVA

UNCLAS STATE 181701

TEXTILE DELEGATION

E.O. 11652: N/A

TAGS: EPAP, HK

SUBJECT: TEXTILES - IMPORT CONTROLS

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REF: MICHAEL SMITH - ARTHUR GAREL TELCON

1. THE AUGUST 6, 1975 CHARLES E ROH (L/EB) TO MICHAEL SMITH (EB/FTD) MEMO ON IMPORT CONTROLS READS AS FOLLOWS:
BEGIN TEXT: SECTION 204 OF THE AGRICULTURAL ACT OF 1956 (7 U.S.C. 1854) AUTHORIZES THE PRESIDENT, WHENEVER HE DEEMS IT APPROPRIATE, TO NEGOTIATE AGREEMENTS WITH FOREIGN GOVERNMENTS LIMITING THEIR EXPORTS TO THE UNITED STATES OF "ANY AGRICULTURAL COMMODITY OR PRODUCT
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MANUFACTURED THEREFROM OR TEXTILES OR TEXTILE PRODUCTS."
SECTION 204 FURTHER AUTHORIZES THE PRESIDENT:
"TO ISSUE REGULATIONS GOVERNING THE ENTRY OR WITHDRAWAL FROM WAREHOUSE OF ANY SUCH COMMODITY, PRODUCT, TEXTILES, OR TEXTILE PRODUCTS TO CARRY OUT ANY SUCH AGREEMENT.

2. THE QUESTION HAS ARISEN WHETHER THE ABOVE AUTHORITY

TO ISSUE REGULATIONS IS CONTINGENT UPON INCLUDING AN EXPRESS PROVISION IN ANY INTERNATIONAL AGREEMENT NEGOTIATED PURSUANT TO SECTION 204 AUTHORIZING, OR ACKNOWLEDGING THE AUTHORITY OF, THE UNITED STATES TO ISSUE SUCH REGULATIONS. I CONCLUDE THAT SUCH AN

EXPRESS PROVISION IN SUCH AGREEMENTS IS NOT NECESSARY.

3. THE ONLY CONDITION IN SECTION 204 ON THE PRESIDENTIAL AUTHORIZATION TO ISSUE REGULATIONS GOVERNING ENTRY OR WITHDRAWAL FROM WAREHOUSE IS THAT THE REGULATIONS "CARRY OUT" THE AGREEMENT NEGOTIATED UNDER THE AUTHORITY OF SECTION 204. THERE IS NO REQUIREMENT, FOR EXAMPLE, THAT THE REGULATIONS BE "NECESSARY" OR "REQUIRED" TO CARRY OUT THE AGREEMENT. REGULATIONS WHICH MERELY INSURE THAT QUANTITATIVE RESTRICTIONS IN THE AGREEMENT ARE OBSERVED CLEARLY SERVE TO "CARRY OUT" THE AGREEMENT, IRRESPECTIVE OF WHETHER THE AGREEMENT SPECIFICALLY AUTHORIZES OR OTHERWISE REFERS TO SUCH REGULATION.

4. THE EXISTENCE OF AN EXPRESS PROVISION ACKNOWLEDGING THE EXECUTIVE'S AUTHORITY TO ISSUE REGULATIONS MAY HELP TO ELIMINATE ANY DISPUTE WITH THE OTHER PARTY CONCERNING OUR RIGHT TO ESTABLISH REGULATIONS ENFORCING THE AGREED QUANTITATIVE RESTRICTIONS. HOWEVER, EVEN UNCLASSIFIED

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WITHOUT SUCH AN EXPRESS PROVISION, ANOTHER PARTY WOULD NOT BE JUSTIFIED IN PROTESTING US REGULATIONS WHICH MERELY SERVE TO ENFORCE RESTRICTIONS WHICH THE OTHER PARTY HAS AN INTERNATIONAL OBLIGATION TO OBSERVE.
END TEXT CHRISTOPHER

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NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TEXTILES, IMPORTS, IMPORT CONTROLS
Control Number: n/a
Copy: SINGLE
Draft Date: 18 jul 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 jan 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE181701
Document Source: CORE
Document Unique ID: 00
Drafter: A BERRY
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780295-0551
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780746/aaaabmpa.tel
Line Count: 99
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 69165171-c288-dd11-92da-001cc4696bcc
Office: ORIGIN EB
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
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Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 29 mar 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1965197
Secure: OPEN
Status: NATIVE
Subject: TEXTILES - IMPORT CONTROLS -
TAGS: EPAP, HK
To: HONG KONG
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/69165171-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
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EO Systematic Review
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